

**APPROVED**



# TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes  
Monday, February 22, 2016, 7:00 P.M.  
Littlefield Meeting Room, Town Hall  
208 Sanford Road

## CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chairman George Raftopoulos called the meeting to order at 7:00 P.M. Members present: Rick Goodrich, Robert Sullivan and Charles Anderson. There is a quorum and all members are voting tonight. Staff present: Mike Livingston, Town Engineer/Planner and Meeting Recorder Cinni Davidson.

## MINUTES

January 4, 2016

### **MOTION**

Motion by Mr. Goodrich, seconded by Mr. Sullivan, to approve the minutes as written. **PASSED** unanimously.

## DEVELOPMENT REVIEW & WORKSHOPS

- I. **MOODY BEACH RV CAMPGROUND** – MHC Moody Beach, LLC, owner; Jason Russo, applicant; Kirk Ball, PE agent. Site Plan Pre-Application to amend the site plan for 71 RV sites, eliminate location of previously approved/ unconstructed RV sites, and depict existing conditions of the property. The property is located within the General Business & Rural Districts and is located off of 266 Post Road. Tax Map 19, Lot 8.  
**Receive Site Plan Pre-Application and determine a site walk.**

Jason Russo, applicant, and Kirk Ball of Acheron Engineering Services were present.

### **MOTION**

Motion by Mr. Sullivan, seconded by Mr. Goodrich, to receive the site plan pre-application. **PASSED** unanimously.

Mr. Livingston said that the last site plan approval dates from 1989 and some of the approved sites were never constructed. The applicant is now proposing to build those additional units closer to Route One to avoid the wetlands. Some will be in the GB District behind Wonder Mountain while others will be located behind the current office and recreational facilities. This application covers the relocation of existing sites to a different location. E-mails from members

1 of the public have been forwarded to the applicant. Several abutters have come to the office with  
2 questions.

3  
4 **MOTION**

5 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to schedule a site walk for 9 AM on  
6 Saturday, February 27, weather permitting. **PASSED** unanimously.

7  
8 **II. ELMWOOD RESORT** – Elmwood Condominium Association, owner; Scott DeFelice,  
9 applicant. Site Plan Amendment Application to construct a new entry for the pool  
10 building and for after-the-fact approval of various changes made since the 1990 site plan  
11 approval. The property is located off of 1351 Post Road and is within the General  
12 Business and 75' Shoreland Overlay Districts. Tax Map 129, Lot 35. **Receive Site Plan**  
13 **Amendment Application, provide initial feedback, determine a site walk**

14  
15 Scott DeFelice, general manager, represented the resort.

16  
17 **MOTION**

18 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to receive the site plan amendment  
19 application. **PASSED** unanimously.

20  
21 Mr. Livingston said the site was approved and built in the 1980's. The applicant is now  
22 proposing to build a small entry to the pool building. In addition, the Board needs to approve  
23 various changes that were made since the last site plan approval. The applicant will obtain an as-  
24 built survey.

25  
26 **MOTION**

27 Motion by Mr. Goodrich, seconded by Mr. Sullivan, to schedule a site walk for 9 AM on  
28 Saturday, March 5, weather permitting. **PASSED** unanimously.

29  
30 **III. YORK COUNTY COMMUNITY COLLEGE** – Maine Community College System,  
31 owner; Nancy Drouin, YCCS, applicant; Kerry Green, Oak Point Associates, agent. Site  
32 Plan Amendment Application to construct an 18,300 SF academic building for  
33 classrooms, auditorium and study spaces and to expand parking. The property is located  
34 off of 112 College Drive and is within the Rural, Residential A and 75' Shoreland  
35 Overlay Districts. Tax Map 43, Lot 3A.EXE. **Workshop compliance and draft**  
36 **Findings of Fact & Decisions for possible approval**

37  
38 Jonah DeWaters of Oak Point Associates represented the applicant. Compliance items and the  
39 list of updates were reviewed. Mr. Sullivan asked if the emergency access has been resolved. A  
40 vote was taken on the easement at the last meeting and the Board determined that it is adequate.  
41 Required signage and no parking zones have been added to the plans and a gate was added at the  
42 border with Rite-Aid. The emergency access road has been designed to the proper width. The  
43 Town Attorney's opinion agreed with the College's Attorney that the College has the legal right  
44 to make whatever provisions are necessary for emergency access.

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46 **MOTION**

47 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to find the application compliant with §145-  
48 75. **PASSED** unanimously.

1  
2 The Findings of Facts & Decisions were reviewed.

3  
4 **MOTION**

5 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to approve the Findings of Facts &  
6 Decisions with the criteria in §145-75 A-N. **PASSED** unanimously.

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8 **MOTION**

9 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to sign the plans and Findings at the end of  
10 the meeting. **PASSED** unanimously.

11  
12 **IV. BURNT MILL ESTATES SITE PLAN** - Burnt Mill Holding Company, LLC, owner,  
13 William Bradley Booth, applicant; Hart Howerton & Corner Post Land Surveying, Inc,  
14 engineer/surveyor. Site Plan Application for permitted uses within portions of the Burnt  
15 Mill Estates Subdivision open space including an 18-hole Golf Course and Driving  
16 Range (Low-intensity commercial recreation use); a Kids Club, a Fitness Club with pool,  
17 a Golf Clubhouse with Event Barn, and Maintenance Buildings, sheds, restrooms and  
18 associated parking (Club use); and a Standard Restaurant use with the Golf Clubhouse  
19 are proposed. Parcels are located within the Rural & 75' Shoreland Overlay Districts and  
20 are off or in the vicinity of Hobbs Farm Road. Tax Map 62, Lots 12, and 13 and Map 63,  
21 Lot 7. **Workshop completeness and schedule a public hearing if appropriate**

22  
23 Brad Booth representing the project and Tom Greer from Pinkham & Greer were present. The  
24 outstanding items in Mr. Livingston's memo were reviewed. A reduction in required parking for  
25 the clubhouse is recommended since the same patrons will be using the various facilities and the  
26 golf course.

27  
28 **MOTION**

29 Motion by Mr. Goodrich, seconded by Mr. Sullivan, to approve the reduction in parking spaces  
30 from 12 to 7. **PASSED** unanimously.

31  
32 Parking for the event barn was considered. Overflow parking is available in the adjacent hay  
33 field. The fitness club will be used by residents and bicycle/pedestrian traffic is expected.

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35 **MOTION**

36 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to approve the reduction in parking to 56  
37 spaces. **PASSED** unanimously.

38  
39 **MOTION**

40 Motion by Mr. Goodrich, seconded by Mr. Sullivan, to find that the proposed 100 parking spaces  
41 are adequate for the golf course and driving range. **PASSED** unanimously.

42  
43 The consensus was to postpone the decision on landscaping until after the public hearing.  
44 The Board decided that there is no need for additional traffic data.

45  
46 **MOTION**

47 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to waive the required plan scale of 1"=40'  
48 and allow 1"=50'. **PASSED** unanimously.

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2 **MOTION**

3 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to find the application complete and  
4 schedule a public hearing for March 7. **PASSED** unanimously.

- 5  
6 **V. MILLBROOK FARM** – Kasprzak Landholdings, Inc. owner; Kasprzak Homes/ Robert  
7 Georgitis, applicant; Sebago Technics, agent. Preliminary Subdivision Application  
8 consisting of 70 dwelling units located within 35 duplex (two-family) buildings on land  
9 totaling 80.82 acres of which 60.69 acres to be dedicated as open space (Multifamily  
10 Development). The major subdivision proposes roadways and shall be connected to  
11 public water and public sewer. The subdivision is located within the Rural and 75'  
12 Shoreland Overlay Districts and is located off of Willow Way/ Gateway Drive and  
13 Midway Drive. Tax Map 72, Lots 4B, 12 and 13. **Receive Final Subdivision**  
14 **Application and Workshop Completeness and schedule a public hearing if**  
15 **appropriate**

16  
17 Bob Georgitis of Kasprzak Landholdings and Owens McCullough of Sebago Technics were  
18 present.

19  
20 **MOTION**

21 Motion by Mr. Goodrich, seconded by Mr. Sullivan, to receive the final subdivision application.  
22 **PASSED** unanimously.

23  
24 The completeness items in Mr. Livingston's memo were reviewed. Mr. Georgitis will send Mr.  
25 Livingston a copy of the packet he prepared for MDOT. The peak hourly rate has been  
26 determined at 88 trips, so an MDOT permit was not triggered. There is an existing deadline of  
27 April 2018 for the Heron Landing connection; the abutters want the road completed this year.  
28 Mr. Livingston didn't think that is possible with the amount of infrastructure work involved. Mr.  
29 Sullivan suggested postponing a decision until after the public hearing, and balancing the needs  
30 of the abutters and the developer.

31  
32 **MOTION**

33 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to find the application complete and  
34 schedule a public hearing for March 7. **PASSED** unanimously.

35  
36 There has been considerable correspondence about the open space, and Mr. Livingston  
37 recommended one plan that shows the combined open space for all the projects. The Board asked  
38 to have the plan available for the public hearing. Mr. Georgitis said when the project is complete  
39 the Board of Riverbend Woods will be responsible for management of the open space.

- 40  
41 **VI. WIRE ROAD SUBDIVISION** – Highpine Properties, LLC, owner/applicant. Attar  
42 Engineering, Inc. agent. Preliminary Subdivision Application for a major subdivision  
43 consisting of 40 lots/ single family dwelling units on 100 acres of land (Residential  
44 Cluster Development) with private roadways and infrastructure. The parcel is located off  
45 of Wire Road and is within the Rural District. Tax Map 75, Lot 1. **Receive Preliminary**  
46 **Subdivision Application and Workshop Completeness and schedule a public hearing**  
47 **if appropriate**

1 Dave MacKenzie of Highpine Properties and Lew Chamberlain of Attar Engineering were  
2 present.

3  
4 **MOTION**

5 Motion by Mr. Anderson, seconded by Mr. Sullivan, to receive the preliminary subdivision  
6 application. **PASSED** unanimously.

7  
8 This will be a cluster subdivision. The Code requires the applicant to provide a standard  
9 subdivision layout also. A 10% density bonus is requested since the proposed 73% open space  
10 exceeds the 50% minimum.

11  
12 **MOTION**

13 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to approve the 10% density bonus,  
14 conditional on approval of the final dedication documentation. **PASSED** unanimously.

15  
16 **MOTION**

17 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to allow a plan scale of 1"=150' for sheets  
18 1.2 and 1.5. **PASSED** unanimously.

19  
20 Trees greater than 24" in diameter will be noted on the plan if they are being saved. Some of  
21 those trees are in the proposed roadway and must be removed.

22  
23 Vernal pool studies have been done as requested by DEP. A decision about a wildlife analysis  
24 will be postponed until after the public hearing. Mr. Chamberlain will provide a copy of the  
25 letter on the turtle study.

26  
27 **MOTION**

28 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to find the application complete and  
29 schedule a public hearing for March 21. **PASSED** unanimously.

30  
31 **VII. AVITA NURSING HOME & MEDICAL CLINIC – Roy & Patricia Garvin; Penny**  
32 **Freeman; and Shane & Pamela Maxon owners. Sandy River II, Inc. applicant; Sebago**  
33 **Technics, agent. Site Plan Amendment Application to divide off 3.00 acres of the 10.7**  
34 **acre parcel. Nursing Home/Medical Clinic to remain on 7.05 acres. The properties are**  
35 **located off of 84 Sanford Road and Route One and are within the General Business and**  
36 **Residential-Commercial Districts. Tax Map 129, Lot 16A, and Tax Map 134, Lot 18 and**  
37 **73. Workshop completeness and determine if a public hearing is needed**

38  
39 Daniel Maguire of Sandy River Company and Will Conway of Sebago Technics were present. A  
40 site walk was done last fall when the application was received. This proposal is to divide off a 3  
41 acre lot from the rest of the Avita property, which required the design of a small private road to  
42 create street frontage. The Avita project requires only 7 of the 10 acres, and the owners would  
43 like to sell the 3 acres. There is no specific development plan. Mr. Conway noted the row of  
44 mature trees that were discussed at the site walk; the drawings for the new lot indicate that those  
45 trees will be preserved.

46  
47 **MOTION**

1 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to find the application complete and  
2 schedule a public hearing for March 21. **PASSED** unanimously.

3  
4 Mr. Conway asked if the water and sewer could be left off the plan for the 3 acre parcel and  
5 included on the site plan when a future use is determined. There is a plan to extend the Unitil  
6 line from the library up Route One to this frontage and across the 3 acre lot to the Avita project,  
7 York Hospital ERgentCare and Route 109. Apparently Avita will have to provide Unitil with an  
8 easement. Mr. Livingston said since the exact location of the line can't be determined yet, there  
9 can be a note on the plan that "utilities serving the 3 acre lot will be shown on a future site plan"  
10 and a note that "a natural gas line may be located in the 50' corridor/ location to be determined."

11  
12 **VIII. GRANTS PASTURE** – Gerald & Raylene Grant Living Trust, owners; Sebago Real  
13 Estate Investment, LLC/ Paul Hollis, applicant; Attar Engineering, Inc. engineer.  
14 Preliminary Subdivision Application for a 7 lot/dwelling unit residential cluster major  
15 subdivision on 47 acres of land with 38.8 acres of open space proposed. Parcel is located  
16 off of North Berwick Road and is within the Rural, 250' Shoreland Overlay, and  
17 Resource Protection Districts. Tax Map 32, Lot 11. **Receive Preliminary Subdivision**  
18 **Application and workshop completeness**

19  
20 Paul Hollis of Sebago Real Estate Investment and Lew Chamberlain of Attar Engineering were  
21 present.

22  
23 **MOTION**

24 Motion by Mr. Sullivan, seconded by Mr. Anderson, to receive the preliminary subdivision  
25 application. **PASSED** unanimously.

26  
27 Mr. Livingston prepared a list of items for the preliminary submission.

28  
29 **MOTION**

30 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to waive the requirement for showing  
31 contours on the open space. **PASSED** unanimously.

32  
33 **MOTION**

34 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to allow the hydrogeo study to be submitted  
35 at the final subdivision submission. **PASSED** unanimously.

36  
37 The IF&W letter needs to be submitted before the public hearing. A decision on buffering for the  
38 northerly setback, adjacent to the non-cluster residence, will be made after the public hearing.  
39 Buffering along Route 9 will be either trees or a fence.

40  
41 **MOTION**

42 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to appoint Mr. Livingston the completeness  
43 agent and schedule a public hearing for March 21. **PASSED** unanimously.

44  
45 MDOT has granted an entrance permit.

1 Mr. Hollis is working with another property owner about the use of the fire pond along Route 9  
2 in front of Suburban Propane. The pond liner has collapsed, and the Fire Chief wants it repaired.  
3 There may be an agreement to share the cost of the repair.

4  
5 **IX. SEAGLASS VILLAGE** – Village Developers, LLC, owners/ applicants. Attar  
6 Engineering, Inc. agent. Site Plan Amendment #9 to eliminate the 60' x 120' all-purpose  
7 court and replace with grass parking and remove 2 grass parking spaces near the office.  
8 No other changes are proposed to this Lodging Facility. The property is located off of  
9 Route One and Old County Road and is within the General Business, Rural and 75'  
10 Shoreland Overlay Districts. The parcel is identified as Tax Map 19, Lot 31. **Receive Site**  
11 **Plan Amendment, Determine if a Site Walk is necessary, Workshop Completeness,**  
12 **and determine if a Public Hearing is necessary**

13  
14 Lew Chamberlain of Attar Engineering represented the applicant.

15  
16 **MOTION**

17 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to receive the site plan amendment.  
18 **PASSED** unanimously.

19  
20 The all-purpose court shown on a previous plan was never built and the area has been used as  
21 overflow grass parking. The developer and condo association have agreed not to build the court  
22 and continue to use the area as overflow parking. The sales office is a temporary structure and  
23 will move by the end of the year.

24  
25 **MOTION**

26 Motion by Mr. Goodrich, seconded by Mr. Sullivan, to find that an additional site walk isn't  
27 necessary. **PASSED** unanimously.

28  
29 The Board can approve grass parking as a seasonal use only. The current approval was for  
30 temporary parking until the court was constructed. Mr. Chamberlain said that area started as  
31 asphalt parking then changed to grass, then the court was added to the plan. He will research the  
32 previous approvals before the Board takes action. That area has already been turned over to the  
33 Association. The front parking area is asphalt and is plowed, providing enough spaces for the  
34 year-round hotel units.

35  
36 The applicant is requesting a plan scale of 1"=100' for sheets 1 and 2.

37  
38 **MOTION**

39 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to grant the waiver for plan scale. **PASSED**  
40 unanimously.

41  
42 **MOTION**

43 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find the application complete, to waive  
44 the requirement for a public hearing, and to continue the workshop to the next meeting.  
45 **PASSED** unanimously.

1 **OTHER BUSINESS**

2  
3 ~Zoning Ordinance Changes:

4  
5 **1. Building Height**

6 A municipal facility or public school in the GB Zone would be allowed a maximum  
7 building height of 54' with a pitched roof and no floor more than 35' above the average  
8 finished grade. The maximum of 54' was chosen because this is the height of the current  
9 middle school building. The GB Zone has a 3 story limit. York County Community  
10 College comes under the definition of a vocational school, is not part of the CSD, and is  
11 not in the GB Zone.

12  
13 **2. Other Zoning Changes**

14  
15 **a. Housekeeping Items**

16 Change outdated references: §260 should be corrected to §202, Chapter §115 to  
17 §116, Chapter §174 to §175.

18  
19 **b. Changes to §145-49 Residential Cluster Development regarding lot  
20 coverage.**

21 This would eliminate the requirement to show a cluster development as if it were  
22 a standard subdivision. It would eliminate a conflict between the ordinance and  
23 the Comprehensive Plan when a cluster subdivision overlaps into the Aquifer  
24 Protection Zone or Shoreland Overlay District. Lot coverage would be allowed to  
25 increase on smaller lots.

26  
27 **MOTION**

28 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to approve the wording of  
29 the proposed zoning changes and schedule a public hearing for March 7. **PASSED**  
30 unanimously.

31  
32 The recommendations will be forwarded to the Selectmen for their public hearing  
33 on March 15.

34  
35 **c. Change to the Reviewing Authority Chart**

36 This would allow the Code Enforcement Officer and Planner to approve minor  
37 site plan changes and expedite approvals. At their discretion, an application can  
38 be referred to a higher authority, either the Staff Review Committee or Planning  
39 Board.

40  
41 **MOTION**

42 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to approve the change and  
43 schedule a public hearing for March 7. **PASSED** unanimously.

44  
45 **d. Changes to §201-10 to create a review process for private streets.**

46 There is no current approval process and the standards are not clear. Staff Review  
47 Committee approval is needed for this change. This item will be held for the  
48 November ballot.

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**~SRC & CEO site plan reviews and approvals update**

The SRC agendas for January 12 and February 2 are in tonight's packets.

**~Summerscape Cottages, College Drive-Field Change**

A field change was approved for the addition of an irrigation control enclosure.

**~S&J Collision, North Berwick Road-Field Change**

An older field change approved by the previous Planner was not finalized in 2007.

**~Election of Planning Board Officer positions**

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to nominate Mr. Millian as Chairman. **PASSED** unanimously.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Goodrich, to nominate Mr. Raftopoulos as Vice Chairman. **PASSED** unanimously.

**MOTION**

Motion by Mr. Goodrich, seconded by Mr. Raftopoulos, to nominate Mr. Sullivan as Secretary. **PASSED** unanimously.

**ADJOURN**

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Goodrich, to adjourn. **PASSED** unanimously.

MINUTES APPROVED March 7, 2016

ACCEPTED BY:

Robert Sullivan  
Robert Sullivan, Secretary

Cinndi Davidson  
Cinndi Davidson, Recorder